

1 EDMUND G. BROWN JR.
2 Attorney General of the State of California
3 DANE R. GILLETTE
4 Chief Assistant Attorney General
5 GERALD A. ENGLER
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Attorneys for Respondent

10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

THOMAS DANIEL STROW.

C 08-0629 CRB (PR)

Petitioner,

v.

M. MARTEL, Warden.

**EX PARTE APPLICATION FOR
EXTENSION OF TIME TO FILE
ANSWER OR OTHERWISE
RESPONSIVE PLEADING**

Respondent.

19 For the reasons stated in the accompanying declaration of counsel, respondent hereby
20 requests a sixty (60) day extension of time, to and including September 24, 2008, within which to
21 file an answer or otherwise responsive pleading to the petition for writ of habeas corpus, as required
22 by this Court's Order to Show Cause filed May 27, 2008. This application is based on the file in this
23 case and the accompanying declaration of Pamela K. Critchfield. A stipulation has not been sought.
24 Petitioner is in custody in state prison and is not represented by counsel.

1 Dated: July 30, 2008

2 Respectfully submitted,

3 EDMUND G. BROWN JR.
Attorney General of the State of California

4 DANE R. GILLETTE
Chief Assistant Attorney General

5 GERALD A. ENGLER
Senior Assistant Attorney General

6 PEGGY S. RUFFRA
Supervising Deputy Attorney General

7 /s/ Pamela K. Critchfield

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9 PAMELA K. CRITCHFIELD
Deputy Attorney General
10 Attorneys for Respondent

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DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **Thomas Daniel Strow v. Martel, Warden**

No.: **C 08-0629 CRB (PR)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On July 30, 2008, I served the attached

**EX PARTE APPLICATION FOR EXTENSION OF TIME TO FILE ANSWER OR
OTHERWISE RESPONSIVE PLEADING;**

**DECLARATION OF COUNSEL IN SUPPORT OF EX PARTE APPLICATION FOR
EXTENSION OF TIME TO FILE ANSWER OR OTHERWISE RESPONSIVE
PLEADING;**

**[PROPOSED] ORDER EXTENDING TIME WITHIN WHICH TO FILE ANSWER OR
OTHERWISE RESPONSIVE PLEADING**

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

Thomas D. Strow
V47104
Mule Creek State Prison
P.O. Box 409060
Ione, CA 95640

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on July 30, 2008, at San Francisco, California.

J. Wong

Declarant



Signature

1 EDMUND G. BROWN JR.
2 Attorney General of the State of California
3 DANE R. GILLETTE
4 Chief Assistant Attorney General
5 GERALD A. ENGLER
6 Senior Assistant Attorney General
7 PEGGY S. RUFFRA
8 Supervising Deputy Attorney General
9 PAMELA K. CRITCHFIELD
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Fax: (415) 703-1234
Email: pamela.critchfield@doj.ca.gov
Attorneys for Respondent

10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

C 08-0629 CRB (PR)

**DECLARATION OF COUNSEL IN
SUPPORT OF EX PARTE
APPLICATION FOR EXTENSION
OF TIME TO FILE ANSWER OR
OTHERWISE RESPONSIVE
PLEADING**

19 I, PAMELA CRITCHFIELD, declare under penalty of perjury the following:

20 I am a Deputy Attorney General for the State of California and am responsible for the
21 preparation and filing of a response to this Court's Order to Show Cause filed May 27, 2008, which
22 directed respondent to file a response within 60 days or by July 26, 2008. I request a sixty-day
23 extension of time, to an including September 24, 2008, within which to file my answer. This is the
24 first extension of time request I have made.

I was unable to file a response by July 26, 2008,^{1/} because of the press of my caseload with

27 1. I was unable to file this request for an extension of time by July 26 because I mis-
28 calendared the Order to Show Cause.

1 chronological precedence to this case. Most significantly, I have been working for approximately
2 10 months on preparing the answer to a habeas corpus petition in the capital case of *Kristin Hughes*
3 *v. Robert Ayers*, C 03-2666. The case involved 133 issues and included almost 10,000 pages of
4 transcripts. In addition, I prepared the appellee's brief in the case of *Solis v. Knowles*, 07-16323,
5 which is due in the Ninth Circuit in the next several weeks.

6 In addition, the state court record in this case has been ordered, but has not yet arrived in
7 our San Francisco office.

8 Finally, I will be out of the office on vacation from August 10 through August 21 and will
9 not be able to work on this case until after my return.

10 Accordingly, for the reasons set forth above, I request an extension of 60 days, to and
11 including September 24, 2008, to prepare and file the answer or otherwise responsive pleading in
12 this case.

13 Dated: July 30, 2008

14 Respectfully submitted,

15 EDMUND G. BROWN JR.
Attorney General of the State of California

16 DANE R. GILLETTE
Chief Assistant Attorney General

17 GERALD A. ENGLER
Senior Assistant Attorney General

18 PEGGY S. RUFFRA
Supervising Deputy Attorney General

19
20 /s/ Pamela K. Critchfield

21 PAMELA K. CRITCHFIELD
Deputy Attorney General
22 Attorneys for Respondent

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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA
8 SAN FRANCISCO DIVISION

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THOMAS DANIEL STROW,

Petitioner,

v.

M. MARTEL, Warden,

Respondent.

C 08-0629 CRB (PR)

**[PROPOSED] ORDER
EXTENDING TIME WITHIN
WHICH TO FILE ANSWER OR
OTHERWISE RESPONSIVE
PLEADING**

15 IT IS HEREBY ORDERED that the time within which respondent is to respond to the
16 Order to Show Cause of May 27, 2008, and provide the relevant state court record, will be extended
17 to September 24, 2008. Petitioner's traverse, if any, shall be filed and served within 30 days of
18 service of an answer or otherwise responsive pleading.

19 Dated: _____

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CHARLES R. BREYER
27 United States District Judge

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